

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-053489

09/21/2015

HONORABLE AIMEE L. ANDERSON

CLERK OF THE COURT  
T. McMillian  
Deputy

IN RE THE MARRIAGE OF  
MARC J KROON

RICHARD R SEYFFER

AND

TRICIA L KROON

CYNTHIA L BEST

MINUTE ENTRY

The Court has before it the following pleadings:

1) Petitioner's Motion for Sanctions re: Mother entering Father's residence on August 14, 2015, filed August 14, 2015; Respondent's Motion to Dismiss/Alternatively, Response, filed August 20, 2015; Petitioner's Reply filed September 9, 2015; and Respondent's Sur-Reply filed on September 14, 2015.

This Court denied Respondent's Motion to Dismiss on September 15, 2015, thereby considering Respondent's August 20, 2015 filing a responsive pleading.

2) Petitioner's Petition for Order to Show Cause Re: Contempt Re: Enforcement of Court Orders filed August 13, 2015; Respondent's Motion to Dismiss/Alternatively, Response filed August 20, 2015; Petitioner's Reply filed September 9, 2015; and Respondent's Sur-Reply filed on September 14, 2015.

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This Court denied Respondent's Motion to Dismiss on September 15, 2015, thereby considering Respondent's August 20, 2015 filing a responsive pleading.

3) Petitioner's Motion for Modification of Temporary Order's filed August 28, 2015; Respondent's Motion to Dismiss/Alternatively, Response filed September 3, 2015.

**MOTION FOR SANCTIONS**

The Court has read and considered the pleadings referenced above, as well as reviewed the legal file in this matter, including but not limited to the Preliminary Injunction previously issued by this Court.

The Court finds that Respondent entered the home Petitioner was residing in, on or about August 14, 2015, without Petitioner's knowledge or permission. The Court finds that numerous items were removed from that home on or about August 14, 2015, by Respondent.

The Court finds that on August 31, 2015, at an Evidentiary Hearing before Commissioner Richard Albrecht on Respondent/Wife's objection to the Order of Protection obtained by Petitioner based upon Respondent entering the home he was residing. Commissioner Albrecht sustained Petitioner's Order of Protection.

However, the Court finds that on the day that Respondent entered the home Petitioner was residing in, without his knowledge or permission, there was no order in place preventing her from doing so.

**IT IS ORDERED** denying Petitioner's Motion for Sanctions.

**IT IS FURTHER ORDERED** denying both parties requests for attorney's fees and costs. The issue of attorney's fees and costs will abide final resolution of the underlying Petition for Dissolution.

**PETITION FOR CONTEMPT**

The Court has read and considered the pleadings referenced above. The request for a finding of contempt surrounds two distinct issues 1) Respondent delaying Dr. Faren Akin's

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Comprehensive Family Evaluation, and 2) Respondent failing to return Petitioner's sports memorabilia in accordance with the parties' post-nuptial agreement.

As it pertains to Dr. Akin's evaluation,

The Court finds that the Respondent was not happy with the Court's April 13, 2015 order that "Mother shall be responsible for 100% of the fees, subject to reallocation." (As evidenced by the oral motion to reconsider made to the Court on April 13, 2015 and the written motion to reconsider filed May 15, 2015, that was denied by the Court. See minute entry order dated June 9, 2015)

The Court also finds that the parties advised Commissioner Bernard Owens at the August 17, 2015 status conference that the parties had reached an agreement that Father will allow Mother to take an advance on her community funds of \$6,000.00 to pay Dr. Akins so that he may commence the Comprehensive Evaluation.

Although the delay in Dr. Akin's fees getting paid by Petitioner has materially delayed these proceedings, the Court does not find such action rises to the level of contemptuous behavior, especially in light of the fact that the parties reached an agreement regarding the payment of Dr. Akin's fees, within days of Petitioner filing the Petition for Order to Show Cause re: Contempt RE: Enforcement of Court Orders.

As it pertains to the Petitioner's sports memorabilia,

THE COURT FINDS that on February 20, 2015, the Honorable Carey Snyder-Hyatt found that the post-nuptial agreement of the parties was valid and binding.

However, on September 15, 2015, in connection with a ruling on one of Respondent's motions, this Court ordered that a third party conduct an inventory of the property located at each of the residences of both parties and further ordered that neither party shall remove property from the residences.

As it currently stands, if the sports memorabilia is in the residence that Respondent is residing in, it will be included in the upcoming inventory by the neutral third party. If it is not

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included in the inventory of Respondent's residence, then Petitioner may re-urge this Petition for Contempt.

**IT IS THEREFORE ORDERED DENYING** the Petitioner's Petition for Order to Show cause re: Contempt Re: Enforcement of Court Orders, as it relates to both Dr. Akin's evaluation and Petitioner's sports memorabilia.

**MOTION FOR MODIFICATION OF TEMPORARY ORDERS**

The Court has read and considered the pleadings referenced above. The Court is aware, based on the contents of the pleadings, as well as discussions held on the record in open court on September 21, 2015, that the parties may be operating under a different parenting plan than what was originally ordered when the Court entered temporary orders in this case. However, as stated by counsel for Respondent in court on September 21, 2015, Respondent is unwilling to agree to a modification of the temporary orders.

**IT IS THEREFORE ORDERED** denying Respondent's Motion to Dismiss Petitioner's Motion for Modification of Temporary Orders. The Court deems Respondent's September 3, 2015 pleading as the responsive pleading to Petitioner's Motion for Modification of Temporary Orders.

Without agreement of the parties, pursuant to a Rule 69 agreement, this Court is unwilling to set an evidentiary hearing to modify temporary orders previously issued by the Court.

**IT IS ORDERED** denying Petitioner's Motion for Modification of Temporary Orders, filed August 28, 2015.

**IT IS FURTHER ORDERED** affirming the Temporary Orders previously entered on January 13, 2015.

**IT IS FURTHER ORDERED** denying both parties request for attorney's fees, as the issue of attorney's fees will abide final resolution of the underlying petition.

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The Court strongly urges the parties to work together on parenting time, as both parties have sought Court intervention by the Court to modify parenting time orders when they have run into resistance by the other parent.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.